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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,723	05/24/2006	Hans Streubel	207,519	9370
38137 7590 07/10/2007 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017			EXAMINER LIN, KUANG Y	
			ART UNIT 1725	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,723	Applicant(s) STREUBEL ET AL.	
	Examiner Kuang Y. Lin	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant is requested to provide in the specification headings, such as 'background of the invention', 'summary of the invention', 'brief description of the drawings', 'detailed description of the drawings', etc. to render the specification in a better format.
2. The specification is objected to under 35 USC 112, 1st paragraph in that it is written in a non-idiomatic expression such that render the meaning vague and indefinite. For example, in page 7, last three lines and page 8, lines 1-5 and entire page of page 10, the meanings of those passages are not clear.
3. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 1, the expression of "in particular a thin slab mold" is considered to be indefinite since it is not clear what scope is claimed. Lines 4-13, it is written in a non-idiomatic manner such that render the meaning vague and indefinite. In claim 10, what is the different between "rotating devices" and "rotating spindle"? isn't the "rotating spindle" a "rotating device" ?

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9 and 10 insofar as definite are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art as set forth in the Jepson format and further in view of US 5,381,857 to Tozawa et al.

The admitted prior art substantially shows the invention as claimed except that it does not show to provide a pivotal means for adjusting the distance between the magnetic poles and thereby adjusting the magnetic field strength. However, Tozawa et al. show (see, for example, col. 6, line 35 through col. 7, line 23 and figure 15) that feature to be conventional. It would have been obvious to provide the magnet assembly of the admitted prior art with the pivotal adjust means of Tozawa et al. to facilitate the continuous casting process.

7. Claims 9 and 10 insofar as definite are also rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,381,857 to Tozawa et al. and further in view of either US 6,494,249 to Kollberg et al. or WO 92/12,814.

Tozawa et al. substantially show (see, for example, col. 6, line 35 through col. 7, line 23 and figure 15) the invention as claimed that they do not show to use permanent magnet for braking the molten metal flow. However, each of the

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secondary references shows (see, for example, page 3, 1st paragraph of WO '814 or col. 11, lines 1-4 and 57-61 of Kollberg et al.) that it is conventional to used either electromagnetic or permanent for braking the molten metal flow.

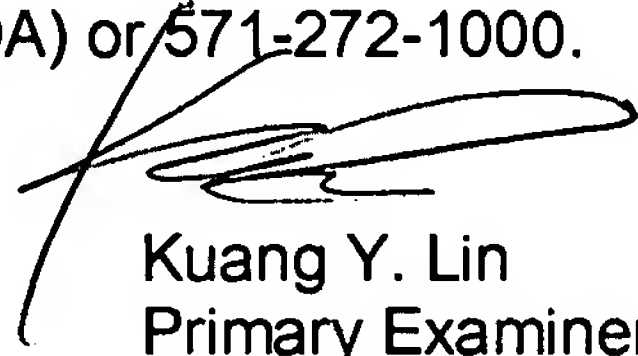
Thus, the use of permanent magnet in lieu of electromagnetic for braking the molten metal flow presents no novel or unexpected result and solves no stated problem and would have been obvious to those of ordinary skill in the continuous casting art, *In re Kuhle*, 188 USPQ 7.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan J. Johnson can be reached on 571-272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kuang Y. Lin
Primary Examiner
Art Unit 1725

7-5-07